

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 21 March 2000 (21.03.00)	
International application No. PCT/CA99/00735	Applicant's or agent's file reference 82223
International filing date (day/month/year) 04 August 1999 (04.08.99)	Priority date (day/month/year) 05 August 1998 (05.08.98)
Applicant MIGNAULT, Lorraine	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

03 March 2000 (03.03.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Pascal Piriou Telephone No.: (41-22) 338.83.38
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m.H

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 82223	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/CA 99/ 00735	International filing date (day/month/year) 04/08/1999	(Earliest) Priority Date (day/month/year) 05/08/1998
Applicant MIGNAULT, Lorraine ET AL.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

TOPICAL LOTION CONTAINING OATSTRAW

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/CA 99/ 00735

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 8-13
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 8-13
are directed to a method of treatment of the human/animal
body, the search has been carried out and based on the alleged
effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such
an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all
searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report
covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is
restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

national Application No

PCT/CA 99/00735

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K7/48 A61K7/06 A61K35/78 C11D3/382

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 432 354 A (APS APOTHEKER H. STARKE) 19 June 1991 (1991-06-19) page 2, line 1 - line 15; claims 1,10,11 ---	1, 15, 18, 19
A	US 5 620 695 A (R. C. POTTER ET AL) 15 April 1997 (1997-04-15) claims 22,23 ---	1, 14, 15, 19
A	EP 0 661 047 A (LABORATORIOS CUSI) 5 July 1995 (1995-07-05) claim 1 ---	1
A	EP 0 739 621 A (KAO) 30 October 1996 (1996-10-30) claim 1 --- -/--	1, 10-12, 18



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 January 2000

Date of mailing of the international search report

27/01/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Voyiazoglou, D

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 99/00735

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, A	FR 2 762 515 A (PIERRE FARBE DERMO COSMETIQUE) 30 October 1998 (1998-10-30) claims 15,23 -----	1, 14, 15, 18, 19

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 99/00735

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 432354	A	19-06-1991	DE 3940704 A AT 107852 T CA 2031825 A DE 59006307 D ES 2056310 T JP 7173047 A RU 2067858 C US 5152989 A	13-06-1991 15-07-1994 09-06-1991 04-08-1994 01-10-1994 11-07-1995 20-10-1996 06-10-1992
US 5620695	A	15-04-1997	NONE	
EP 661047	A	05-07-1995	ES 2074402 A AT 162713 T DE 69408294 D DE 69408294 T GR 3026709 T	01-09-1995 15-02-1998 05-03-1998 20-05-1999 31-07-1998
EP 739621	A	30-10-1996	DE 19515609 C JP 8310919 A US 5716605 A	28-03-1996 26-11-1996 10-02-1998
FR 2762515	A	30-10-1998	WO 9848820 A	05-11-1998

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

15

Applicant's or agent's file reference 82223-203	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA99/00735	International filing date (day/month/year) 04/08/1999	Priority date (day/month/year) 05/08/1998
International Patent Classification (IPC) or national classification and IPC A61K7/48		
Applicant MIGNAULT, Lorraine ET AL.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 12 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 03/03/2000	Date of completion of this report 14.11.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Pregett r, M Telephone No. +49 89 2399 8719 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CA99/00735

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

7-11	as originally filed		
1-6	as received on	26/07/2000 with letter of	25/07/2000

Claims, No.:

1-22	as received on	26/07/2000 with letter of	25/07/2000
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2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CA99/00735

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 8-13, 16, concerning industrial applicability.

because:

- ☒ the said international application, or the said claims Nos. 8-13, 16 relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-22
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-22

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA99/00735

	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-7,14, 15, 17-22
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item I

Basis of the report

The term "oatstraw concentrate" has been replaced by "oatstraw extract". This amendment is accepted, since it is clearly described on page 6, that the so called "oatstraw concentrate" is the result of an extraction process. Consequently, the term "oatstraw extract" does not add any subject-matter to the present application.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 8-13 and 16 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:
D1: EP-A-0 432 354 (APS APOTHEKER H. STARKE) 19 June 1991 (1991-06-19)
D2: EP-A-0 661 047 (LABORATORIOS CUSI) 5 July 1995 (1995-07-05)
- 2.1. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. p-2, I.19-22) a "Badezusatz" for the treatment of skin diseases comprising a plant extract, obtained in known manner by glycol extraction from yarrow, oatstraw and/or camomile (p.3, I.34-46). The subject-matter of present claim 1 differs in that oatstraw is chosen and the extract is obtained by steeping the oatstraw in water.
The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).
- 2.2. The problem to be solved by the present invention may therefore be regarded as:

How to provide an alternative composition for the treatment of diseases, including skin diseases, based on natural ingredients.

- 2.3. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The ingredients of an extract depend strongly on the extraction medium. An extract obtained with glycol does not contain exactly the same ingredients as an extract obtained by steeping a substance in water.

None of the documents cited in the search report suggest that an aqueous extract of oatstraw would contain ingredients which relieve pain, swelling or inflammation. A person skilled in the art would not, without any indication, change the extraction medium.

- 2.4. Claims 2-7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

- 3.1. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. claim 10) a "Badezusatz" from which the subject-matter of claims 8, 10, 12-18, 20 differs in that the "Badezusatz" of D1 comprises only an extract of oatstraw but neither glycerine nor lavender oil.

The subject-matter of claims 8, 10, 12-18, 20 is therefore novel (Article 33(2) PCT).

- 3.2. The problem to be solved by the present invention may be regarded as:

How to provide a composition usable for achieving various beneficial effects (pain-relief, preventing itching, preventing hair loss, promoting hair growth, inducing deeper sleep) by using a natural, non-synthetic active ingredient in a simple environment.

- 3.3. The solution to this problem proposed in claim 8, 10, 12-18, 20 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Only document D1 discloses the use of oatstraw. The "Badezusatz" of D1 is used to treat various skin-diseases (claim 11). However, it does not disclose the use of

oatstraw in combination with glycerine and lavender oil.

Document D2 discloses a pharmaceutical formulation containing oat extract (made of oat flour). The use of glycerine as an emollient is described on p. 3, l. 9-10 and in claim 7. The pharmaceutical formulation of D2 is used to treat dermatosis (p. 2, l. 3-5; claim 11). D2 does not disclose the use of oatstraw. There is no indication for a person skilled in the art to manufacture a combination of oatstraw extract with glycerine and lavender oil. A person skilled in the art would not, without any indication, utilise oatstraw instead of oat flour.

- 3.4. Claims 9, 11, 19, 20 and 21 are dependent on claims 8, 10, 18 or 20 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
4. For the assessment of the present claims 8-13 and 16 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

The vague and imprecise statement in the description on page 11 (last paragraph) implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).

M.H

PCTWORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification⁷ : A61K 7/48, 7/06, 35/78, C11D 3/382	A1	(11) International Publication Number: WO 00/07556 (43) International Publication Date: 17 February 2000 (17.02.00)
(21) International Application Number: PCT/CA99/00735 (22) International Filing Date: 4 August 1999 (04.08.99) (30) Priority Data: 60/095,440 5 August 1998 (05.08.98) US (71)(72) Applicant and Inventor: MIGNAULT, Lorraine [CA/CA]; 3209-197C Victor Lewis Drive, Winnipeg, Manitoba R3P 2A4 (CA). (74) Agent: ADE & COMPANY; 1700-360 Main Street, Winnipeg, Manitoba R3C 3Z3 (CA).		(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). Published <i>With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>
(54) Title: TOPICAL LOTION CONTAINING OATSTRAW (57) Abstract <p>A topical lotion for relief from pain, swelling and itch composed of natural ingredients is herein described. The lotion is composed of a mixture of an oatstraw concentrate and glycerine. The lotion is used to treat a variety of skin conditions as well as injuries such as herniated discs, muscle, tendon and ligament pulls and tears. Furthermore, topical application of the lotion to the scalp has been shown to stop hair loss in some instances and in fact promote hair growth. The lotion can also be applied to the soles of the feet as a way of inducing a deeper and more restful sleep in an individual.</p>		

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

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CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

INTERNATIONAL SEARCH REPORT

International application No.

PCT/CA 99/00735

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 8-13
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 8-13
are directed to a method of treatment of the human/animal
body, the search has been carried out and based on the alleged
effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such
an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all
searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment
of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report
covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is
restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 99/00735

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 432354 A	19-06-1991	DE 3940704 A AT 107852 T CA 2031825 A DE 59006307 D ES 2056310 T JP 7173047 A RU 2067858 C US 5152989 A	13-06-1991 15-07-1994 09-06-1991 04-08-1994 01-10-1994 11-07-1995 20-10-1996 06-10-1992
US 5620695 A	15-04-1997	NONE	
EP 661047 A	05-07-1995	ES 2074402 A AT 162713 T DE 69408294 D DE 69408294 T GR 3026709 T	01-09-1995 15-02-1998 05-03-1998 20-05-1999 31-07-1998
EP 739621 A	30-10-1996	DE 19515609 C JP 8310919 A US 5716605 A	28-03-1996 26-11-1996 10-02-1998
FR 2762515 A	30-10-1998	WO 9848820 A	05-11-1998

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 99/00735

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K7/48 A61K7/06 A61K35/78 C11D3/382

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 432 354 A (APS APOTHEKER H. STARKE) 19 June 1991 (1991-06-19) page 2, line 1 - line 15; claims 1,10,11 ---	1,15,18, 19
A	US 5 620 695 A (R. C. POTTER ET AL) 15 April 1997 (1997-04-15) claims 22,23 ---	1,14,15, 19
A	EP 0 661 047 A (LABORATORIOS CUSI) 5 July 1995 (1995-07-05) claim 1 ---	1
A	EP 0 739 621 A (KAO) 30 October 1996 (1996-10-30) claim 1 ---	1,10-12, 18
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Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

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Date of the actual completion of the international search

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 99/00735

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, A	FR 2 762 515 A (PIERRE FARBE DERMO COSMETIQUE) 30 October 1998 (1998-10-30) claims 15,23 -----	1, 14, 15, 18, 19

REPLACED BY
ART 34 AMDT

TOPICAL LOTION CONTAINING OATSTRAW

The present invention relates generally to the field of skin care and therapeutic lotions.

BACKGROUND OF THE INVENTION

At present, there is a trend in society away from chemical or synthetic pain relievers due to growing concerns about side-effects, long-term effects and dependency. However, individuals continue to experience the aches and pains associated with daily life, such as, scrapes, cuts, muscle pulls, spasms and sprains. Furthermore, there are also many individuals who suffer from pain, swelling and/or inflammation caused by conditions such as psoriasis, shingles, boils, cold sores, burns, sunburns, menstrual bloating, menstrual cramps, foot pain, acne, eczema, rosacea, dermatitis, insect bites, cancer treatments and arthritis, to name a few. Clearly, a lotion composed of natural ingredients that could be used to treat all of these ailments is needed.

SUMMARY OF THE INVENTION

According to a first aspect of the invention, there is provided a topical lotion for relieving pain, swelling or inflammation comprising:

the active ingredient consisting of oatstraw; and
water.

Preferably, the water is filtered/magnetized water.

Preferably, the lotion includes glycerine and the glycerine is vegetable glycerine.

Preferably, the topical lotion includes lavender oil.

Preferably, the topical lotion consists essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil.

More preferably, the topical lotion consists essentially of:

75% filtered oatstraw concentrate in filtered/magnetized water;

25% vegetable glycerine; and

0.1% lavender oil.

According to a second aspect of the invention, there is provided a method of treating pain, swelling, itching or inflammation comprising:

providing a topical lotion the lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to inflamed, painful or swollen areas.

Preferably, the pain, swelling or inflammation is caused by a condition selected from one of the following: psoriasis; leprosy; skin poisoning from plants, shingles; chicken pox; measles; boils; cold sores; colds and flu; sinus congestion; sun damage; burns; sunburns; menstrual bloating; menstrual cramps; foot pain; acne; eczema; rosacea; dermatitis; insect bites; parasitic infections; herniated discs; back and/or leg spasms; sore or damaged muscles, ligaments and tendons; varicose veins; fibromyalgia; multiple sclerosis; bruising; cancer treatments; internal organ injuries; brain and nerve surgery; and arthritis.

According to a third aspect of the invention, there is provided a method of preventing hair loss comprising:

providing a topical lotion the lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the topical lotion to the scalp of an individual, thereby stopping hair loss.

According to a fourth aspect of the invention, there is provided a method of promoting hair growth comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the topical lotion to the scalp of an individual, thereby promoting hair growth.

According to a fifth aspect of the invention, there is provided a method of relieving headache pain comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to the forehead and neck of the individual, thereby relieving headache pain.

According to a sixth aspect of the invention, there is provided a facial cleanser comprising:

a lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier. It is of note that the carrier may constitute any of the suitable carriers known in the cosmetics industry.

According to a seventh aspect of the invention, there is provided a cosmetic composition comprising:

a lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier. It is of note that the carrier may be any suitable carrier known in the cosmetic industry.

According to an eighth aspect of the invention, there is provided a method of inducing a deeper sleep in an individual comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to the soles of the feet of the individual.

According to a ninth aspect of the invention, there is provided a laundry additive comprising:

a mixture consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

According to a tenth aspect of the invention, there is provided a hair or body product comprising:

a mixture consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

The body or hair product may be selected from the group consisting of: body washes; shaving creams; shaving gels; shaving lotions; shampoos; conditioners; body lotions; moisturizing lotions; facial and wrinkle lotions; hand lotions; body creams; hand creams; facial creams; after-shave lotions; skin cleansing preparations; make-up removers; personal deodorants; suntan oil preparations; sunscreen preparations; sun block preparations; lip balms; aromatherapy products; massage gels; foot lotions; facial masques; pimple/acne preparations; facial and body firmers; pore size reducing preparations; styling lotions; and styling sprays.

According to an eleventh aspect of the invention, there is provided a

process for preparing a topical lotion comprising:

providing a quantity of oatstraw;

providing heated water;

placing the oatstraw in the heated water;

steeping the oatstraw in the heated water, thereby producing an oatstraw mixture;

filtering the oatstraw mixture, thereby producing an oatstraw concentrate; and

mixing the oatstraw concentrate with glycerine and lavender oil, thereby producing a topical lotion.

Preferably, the heated water is filtered/magnetized water.

Preferably, the topical lotion consists essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil.

DETAILED DESCRIPTION

The present invention is described in detail based on examples; however, the invention is not limited to the examples.

FORMULA EXAMPLE I

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil.

CLAIMS

1. A topical lotion for relieving pain, swelling or inflammation comprising:

the active ingredient consisting of oatstraw; and
water.

2. The topical lotion according to claim 1 wherein the water is filtered/magnetized water.

3. The topical lotion according to claim 2 including glycerine.

4. The topical lotion according to claim 3 wherein the glycerine is vegetable glycerine.

5. The topical lotion according to claim 4 including lavender oil.

6. The topical lotion according to claim 5 wherein the topical lotion consists essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil.

7. The topical lotion according to claim 6 wherein the topical lotion consists essentially of:

75% filtered oatstraw concentrate in filtered/magnetized water;

25% vegetable glycerine; and

0.1% lavender oil.

8. A method of treating pain, swelling, itching or inflammation comprising:

providing a topical lotion the lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to inflamed, painful or swollen areas.

9. The method according to claim 8 wherein the pain, swelling, itching or inflammation is caused by a condition selected from one of the following: psoriasis; leprosy; skin poisoning from plants, shingles; measles; chicken pox; boils; cold sores; colds and flu; sinus congestion; sun damage; burns; sunburns; menstrual bloating; menstrual cramps; foot pain; acne; eczema; rosacea; dermatitis; insect bites; parasitic infections; herniated discs; back and/or leg spasms; sore or damaged muscles, ligaments and tendons; bruising; varicose veins; fibromyalgia; multiple sclerosis; cancer treatments and arthritis.

10. A method of preventing hair loss comprising:

providing a topical lotion the lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the topical lotion to the scalp of an individual, thereby stopping hair loss.

11. The method according to claim 10 wherein the hair loss is caused by psoriasis.

12. A method of promoting hair growth comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

14

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the topical lotion to the scalp of an individual, thereby promoting hair growth.

13. A method of relieving headache pain comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to the forehead and neck of the individual, thereby relieving headache pain.

14. A facial cleanser comprising:

a lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

15. A cosmetic composition comprising:

a lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

16. A method of inducing a deeper sleep in an individual

comprising:

providing a topical lotion consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

applying the lotion topologically to the soles of the feet of the individual.

17. A laundry additive comprising:

a mixture consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

18. A hair or body product comprising:

a mixture consisting essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil; and

a suitable carrier.

19. The body or hair product according to claim 19 selected from the group consisting of: body washes; shaving creams; shaving gels; shaving lotions; shampoos; conditioners; body lotions; moisturizing lotions; facial and wrinkle lotions; hand lotions; body creams; hand creams; facial creams; after-shave lotions; skin cleansing preparations; make-up removers; personal

deodorants; suntan oil preparations; sunscreen preparations; sun block preparations; lip balms; aromatherapy products; massage gels; foot lotions; facial masques; pimple/acne preparations; facial and body firmers; pore size reducing preparations; styling lotions; and styling sprays.

20. A process for preparing a topical lotion comprising:

providing a quantity of oatstraw;

providing heated water;

placing the oatstraw in the heated water;

steeping the oatstraw in the heated water, thereby producing an oatstraw mixture;

filtering the oatstraw mixture, thereby producing an oatstraw concentrate; and

mixing the oatstraw concentrate with glycerine and lavender oil, thereby producing a topical lotion.

21. The process according to claim 21 wherein the heated water is filtered/magnetized water.

22. The process according to claim 21 wherein the topical lotion consists essentially of:

50-75% oatstraw concentrate;

25-50% glycerine; and

0.1-0.2% lavender oil.